IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 346 of 2004

For Approval and Signature:

HONOURABLE MR. JUSTICE B.J.SHETHNA
HONOURABLE MR.JUSTICE MD SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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MANJULABEN NATHALAL VALA W/O. NATHALAL VALA - Petitioner(s)
Versus
CHIEF GENERAL MANAGER & 2 - Respondent(s)

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Appearance :
MR PH PATHAK for Petitioner(s) : 1,
MR KETAN A DAVE for Respondents

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CORAM : HONOURABLE MR. JUSTICE B.J.SHETHNA

and

HONOURABLE MR.JUSTICE MD SHAH

Date : 28/09/2006

ORAL JUDGMENT

(Per : HONOURABLE MR. JUSTICE B.J.SHETHNA)

Heard learned counsel for the parties, Mr.Pathak for petitioner and Mr.Dave for the respondents.

The petitioner is a Scheduled Caste woman, who is totally illiterate. She was working with the respondents for about 2½ decades. Thereafter, her services were sought to be terminated. Therefore, first she approached the Central Administrative Tribunal, which has refused to entertain the application on the ground of jurisdiction. Hence, this petition.

By a brief order dated 23.2.2004, Division Bench of this court issued Rule on this petition and granted interim relief against the termination and also ordered that the petitioner be engaged as full-time casual labourer at Limdi, Dist. Surendranagar. Accordingly, the petitioner was employed as full time casual labourer, as per the interim order dated 23.2.2004, and at present she is working for more than 2½ years. Having regard to the peculiar facts and circumstances of the case, we are of the considered opinion that without laying down a law or precedent, the petitioner be continued as full time casual labourer, as per the interim order dated

23.2.2004 by the respondents.

With these observations and directions, this petition is allowed. Rule is made absolute accordingly. No order as to costs.

(B.J.SHETHNA, J.)

(M.D.SHAH, J.)

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